

REMARKS

This Preliminary Amendment is being filed with a Request for Continued Examination. With this Amendment, claims 13, 14, 17, 18 and 20 have been amended. No new matter is added. Therefore, claims 13-18 and 20-39 are all the claims currently pending in the present application. Based on the foregoing amendments, and the following remarks, Applicant respectfully requests reconsideration of the application and allowance of the claims.

I. Rejection of Claims 13-18 & 20-39 Under 35 U.S.C. § 103(a)

The Final Office Action dated September 11, 2006 and the Advisory Action dated October 24, 2006 rejected claims 13-18 and 20-39 as being allegedly unpatentable over Roke Manor Research Limited (hereinafter “Roke Manor”; GB 2 349 548 A) in view of Red Fig Limited (hereinafter; “Red Fig”; GB 2 344 491).

Claim 13, as herein amended, requires a client-server system comprises, *inter alia*, a client terminal and a remote server. The client terminal includes a portable radio communication device including a user interface and authentication means. The user interface comprises a plurality of user selectable menu applications and a browser application which operates to request *content*, which *comprises validation data and other data, stored at the server*. One or more of the menu applications has embedded therein, a sub-menu containing a user selectable direct download link comprising an address of the server. In response to a user selection of the direct download link from the sub-menu, the browser application controls the radio communication device to transmit a signal to connect to the server. The authentication means comprises a means for checking the validation data of the content downloaded from the server, and the remote server comprises means for *downloading the content* to the portable radio communication device *with the validation data* so as to be identifiable by the authentication means as originating from the server. The *validation data and the other data* are downloaded from *the server together in a single data stream*.

In rejecting claim 13, Applicant again notes that the Examiner correctly concedes that Roke Manor does not teach or suggest all of the features of claim 13. However, the Examiner relies on Red Fig as compensating for the deficiencies of Roke Manor. Applicant respectfully

Appl. No.: 10/099,977
Filed: March 19, 2002
Amtd. dated January 9, 2007

disagrees and submits that the combination of Roke Manor and Red Fig does not teach or suggest all of the features of claim 13.

Applicant submits that the combination of Roke Manor and Red Fig fails to teach or suggest at least “the client terminal comprises … a user interface operable to request *content* which comprises *validation data* and *other data* stored at the server,” and that “the *validation data* and the *other data* are downloaded from the server together in *single data stream*,” as claimed.

As pointed out in the Amendment dated October 11, 2006, the combination of Roke Manor and Red Fig, at best, discloses that the software of Roke Manor (alleged other data) is broadcast to the device 16 from digital broadcaster 14. (pg. 4, lines 3-7 of Roke Manor). However, Roke Manor does not teach or suggest that the authentication code, (alleged validation data), disclosed therein, is broadcast to the device 16 by digital broadcaster 14. Rather, the combination of Roke Manor and Red Fig, at best, discloses that the network operator 12 transmits the authentication code to the device 16 of a subscriber, via a GSM base station 18. in view of this disclosure, the Applicant submits that the combination does not teach or suggest that the software (alleged other data) and the authentication code (alleged validation data) are stored and downloaded from the *same server together* in a *single data stream*, as claimed.

In the response to the arguments section of the Final Office Action dated September 11, 2006, the Examiner correctly conceded that the combination of Roke Manor and Red Fig does not teach or suggest that software and the authentication code are downloaded from the same server together in a single data stream. To be precise, the Examiner suggested that “[e]ven if ‘validation data of the content’ is received in a separate portion of [a] data exchange … it can be interpreted that the client terminal in Roke Manor is obtaining a ‘content’ stream” having “both the main ‘content’ and its validation data.”” (See pg. 5 and pg. 3, lines 8-10 of the Final Office Action dated September 11, 2006) (emphasis added) In contrast to claim 13, the combination of Roke Manor and Red Fig merely teaches the sending of software (alleged other data) and the authentication code (alleged validation data) separately, i.e., in at least two different data streams, and at different instances from different entities, i.e., digital broadcaster 14 and network operator 12 to device 16. Based on at least the foregoing reasons, Applicant submits that the combination of Roke Manor and Red Fig is deficient and does not teach or suggest at least “the

Appl. No.: 10/099,977
Filed: March 19, 2002
Amdt. dated January 9, 2007

client terminal comprises ... a user interface operable to request *content* which comprises *validation data and other data stored at the server*," and that "the *validation data and the other data* are *downloaded from the server together in single data stream*," as required by claim 13

Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of claim 13 and its dependent claims 15, 16, 23, 25, 30 and 35.

Since claims 14, 17, 18 and 20 contain features that are analogous to, though not necessarily coextensive with, the features recited in claim 13, Applicant respectfully submits that claims 14 and 17 and their respective dependent claims 21, 22, 24, 26, 31, 36 and 27, 32 and 37 as well as independent claims 18 and 20 and their respective dependent claims 28, 33, 38 and 29, 34 and 39 are patentable at least for reasons analogous to those submitted for claim 13.

II. Conclusion

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Bayerl is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

Appl. No.: 10/099,977
Filed: March 19, 2002
Amdt. dated January 9, 2007

therefore (including fees for net addition of claims) is hereby authorized to be charged to
Deposit Account No. 16-0605.

Respectfully submitted,

/Guy R. Gosnell/

Guy R. Gosnell
Registration No. 34,610

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED
STATES PATENT & TRADEMARK OFFICE ON January 9, 2007.